

MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY

Santa Fe, New Mexico

May 28, 2003

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico was called to order on this date at approximately 4:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee [arriving 5:15 p.m.]
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzburger

Members Excused:

None.

APPROVAL OF AGENDA

City Manager Jim Romero requested that Item v on the Consent Calendar be postponed to the next meeting: [Request for Approval of Proposed Revisions to City Purchasing Manual.]

Councilor Wurzburger moved approval of the Agenda, as amended. Councilor Lopez seconded the motion, which passed 7-0 by voice vote, with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzburger voting for, and none against. [Not present for this action: Councilor Bushee.]

APPROVAL OF CONSENT CALENDAR

Upon motion by Councilor Lopez, seconded by Councilor Chavez, the Consent Calendar, as amended, was approved on the following Roll Call vote:

For: Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger.

Against: None.

Not present during this action: Councilor Bushee.

- a) Bid No. 03/46/B — Citywide Water Utility Pavement Restoration; Advantage Asphalt & Seal Coating.
 - 1) Request for Approval of Budget Transfer — Water Enterprise Fund.
- b) Bid No. 03/60/B — Purchase and Installation of Two Mix Liquor Submersible Sewage Pumps; Pioneer Equipment, Inc.
- c) Request for Approval of License Agreement — Encroachment Into Arroyo Torreon Behind 207 Ephriam Street; Alan Capling.
- d) [Removed by Councilor Ortiz for discussion.]
- e) Request for Approval of Grant Application — New Mexico Clean & Beautiful Grant Program; Department of Tourism.
- f) Request for Approval of Two Grant Contracts — Vehicles and Equipment for Open Hands; New Mexico State Agency on Aging (NCNMEDD).
 - 1) Request for Approval of Budget Increase — Grant Fund.
- g) Request for Approval of Grant Award — ArtWorks Program; Gould Family Foundation.
 - 1) Request for Approval of Budget Increase (FY 2003/04) — Grant Award.
- h) Request for Approval of Amendment No. 1 to Grant Award — Senior Companion Program (SCP); State of New Mexico State Agency on Aging.
 - 1) Request for Approval of Budget Increase — Grant Award.

- i) Request for Approval of Amendment No. 1 to Grant Award — Foster Grandparent Program (FGP); State of New Mexico State Agency on Aging.
 - 1) Request for Approval of Budget Increase — Grant Fund.
- j) Request for Approval of Budget Increase — Retired and Senior Volunteer (RSVP) Program; Grant Fund.
- k) [Removed by Councilor Pfeffer for discussion.]
- l) [Removed by Councilor Wurzbarger for discussion.]
- m) Request for Approval of Professional Services Agreement — Master Design Development of Pedestrian Guardrail/Botolph Road Project (RFP No. 2003/05/P); Aaron Craig.
- n) [Removed by Councilor Wurzbarger for discussion.]
- o) [Removed by Councilor Ortiz for discussion.]
- p) Request for Approval of Amendment No. 3 to Agreement — Legal Services (NEPA San Juan Chama Diversion Project); Kirkpatrick & Lockhart, LLP.
- q) Request for Approval of Audit Contract — Financial & Compliance Audit Services (RFP No. 2002/44/P); Neff & Ricci, LLP.
- r) Request for Approval of Change Order No. 1 to Contract — Buckman Wells Nos. 11 and 12 Drilling Project; Layne-Western Company.
 - 1) Request for Approval of Change Order No. 2 to Contract — Buckman Wells Nos. 10 and 13 Drilling Project; Layne-Western Co.
- s) [Removed by Councilor Ortiz for discussion.]
- t) Request for Approval of Budget Increases — Solid Waste Enterprise Fund and GRT Designated Fund (Equipment).
- u) [Removed by Councilor Chavez for discussion.]
- v) [Postponed to next meeting under Approval of Agenda.]
- w) [Removed by Councilor Coss for discussion.]
- x) [Removed by Councilor Pfeffer for discussion.]
- y) CONSIDERATION OF RESOLUTION NO. 2003-44.
Fiscal Year 2003-04 General Appropriations Resolution.

- 1) Request for Approval of Fiscal Year 2003-04 Professional Services Agreements — Children and Youth Programs.
- 2) Request for Approval of Fiscal Year 2003-04 Professional Services Agreements — Human Services Providers.
- 3) [Removed by Councilor Pfeffer for discussion.]
- 4) Request to Publish Notice of Public Hearing on June 25, 2003, City Council Meeting:
 - a) Bill No. 2003-19: An Ordinance Amending Section 22-10.7 SFCC 1987 Regarding Wastewater Sampling; Creating a New Section 22-13 SFCC 1987 Regarding Treated Effluent Management; Amending Exhibit A of Chapter 22 SFCC 1987 Regarding Sanitary Sewer Charges and Fees; and Repealing Section 25-6 SFCC 1987 Regarding Treated Effluent Management.
 - b) BILL NO. 2003-20: An Ordinance Repealing Section 7-2.2A(6) and Creating a New Section 7-2.2A(6) SFCC 1987 Regarding Building Permit Fees.
 - c) BILL NO. 2003-21: An Ordinance Amending Section 21-7.1 and Exhibit B of Chapter 21 Relating to Refuse Collection and Disposal Rate and Fee Schedule.
 - d) BILL NO. 2003-22: An Ordinance Creating a New Section 13-1 SFCC 1987 Establishing a Stormwater Utility Service Charge for all Utility Customers of the City of Santa Fe.
 - e) BILL NO. 2003-23: An Ordinance Amending Section 23-7.4 SFCC 1987 Relating to the Green Fees, City Sports Fields User Fees and Other Rates.
 - f) BILL NO. 2003-24: An Ordinance Amending Sections 12-6-6.1, 12-6-6.2, 12-6-6.3, 12-6-6.5, 12-6-6.6, 12-6-6.7, 12-6-6.8, 12-6-6.9, 12-6-6.10, 12-6-6.11, 12-6-6.12, 12-6-6.14, 12-6-6.15, 12-6-8.4, 12-6-9.4, 12-9-3, 12-9-4, 12-9-5, 12-9-8 AND 12-12-18 of the New Mexico Uniform Traffic Ordinance Relating to Parking Fines.

APPROVAL OF MINUTES: May 14, 2003

Upon motion by Councilor Ortiz, seconded by Councilor Coss, the Minutes of the May 14 meeting were approved 7-0 by voice vote, as submitted, with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor

Wurzburger voting for, and none against. [Not present for this action: Councilor Bushee.]

PRESENTATIONS

Employee of the Month for May 2003 — Shelly Tijerina, Clerk Typist, Property Control Division, Public Works Department.

Ms. Tijerina received a bouquet of roses from her father, a check for \$200 from the Employee Benefit Committee, and a certificate for dinner for two at Tomasita's.

Mayor Delgado remarked, "It's amazing to see how dedicated Shelly is to her job. She's a wonderful employee and takes pride in her job. She is helpful, cheerful, and willing to assist in any way."

Muchas Gracias — State Level Destination Imagination Champions; Carlos Gilbert Elementary School.

Rachel Montes, teacher of the Gifted and Talented Children at Carlos Gilbert, said her students took part in the Destination Imagination Program, "a creative problem-solving curriculum that teaches the kids to think on their feet, be impromptu instant thinkers, and be team players." She said her students participated in the challenge held in Albuquerque on March 22, and placed first in the state in theater arts, a category they chose themselves. She said they then went on to Knoxville to participate in the global competition, where they did well.

Ms. Montes introduced the students. Mayor Delgado congratulated this group on their impressive accomplishment and gave out Muchas Gracias certificates to Ms. Montes, coach Gonzales, and the students.

Muchas Gracias — 2003 State AAA Baseball Champions, St. Michael's Horsemen. (Mark Pierce, Head Baseball Coach)

Coach Pierce thanked the community for its support. He commented that St. Mike's had a very good season, winning the district, getting through the playoffs, and bringing Santa Fe its first state champion baseball team in 26 years.

Coach Pierce introduced the team members, who received Muchas Gracias certificates.

Muchas Gracias — 2003 State AAA Girls Golf Champion — Alyssa Otero, St. Michael's High School

Mayor Delgado stated that he was just informed that Alyssa was playing in a golf tournament right now, so could not be present.

Muchas Gracias — 2003 State Track and Field Champion — Michael Garcia, Santa Fe High School.

Mayor Delgado read a list of Michael's accomplishments: All District in Cross Country; All District Senior Harrier in 2002; All District Track in 2000, 2001, 2002, 2003; All Academic District Track in Cross Country, 2002 and 2003; State Champion in the 800 Meters in 2002; Runner-up in the 400 Meter in 2002; All State in Track in 2002 in the 800 and 400 Meter Run; Great Southwest Track and Field Champ in the 800 Meter Run; State Champion in 800 Meter in 2003; State Champion in 400 Meter in 2003; Demon of the Year, 2003.

Mayor Delgado said Michael will attend Stanford University on a full scholarship, and is valedictorian for Santa Fe High School in 2003 with a 4.0 grade point average.

Michael's coach, Coach Graham, commented, "Michael came out everyday, he worked hard everyday, he said thank you everyday. I think he's one of those kids that not only would you like to have as your son, but as your son in law."

Michael stated that he wants to graduate and return to Santa Fe and be a pediatrician here.

Recognition of Irene Osola

Mayor Delgado congratulated Irene, a freshman at Santa Fe High School, for winning the state championship at 3,200 yards.

2003 Heritage Preservation Awards. (James Hewat)

Mr. Hewat said this is the tenth year that the City of Santa Fe has presented these awards. He invited members of the Governing Body to a reception at 136 Grant Avenue at 5:30 today.

Archaeological Review Committee chairman Steve Post and Historic Design Review Board member Cecilia Rios presented a total of 13 awards.

Mayor Delgado presented a proclamation for National Trail Days after a representative announced that this year's Rail Trail event would take place on June 7 with a fair in Lamy.

CONSENT CALENDAR DISCUSSION

**d) Request for Approval of License Agreement — Railyard Site
Relocation; Northern New Mexico Wood Arts Education Alliance**

Councilor Ortiz commented, "I thought that the whole purpose of having the nonprofit in charge of the Railyard was so that the nonprofit would make these kinds of decisions." He said he was not objecting to the agreement or any parts of it; rather, it was about the process.

Councilor Chavez recused himself from the discussion and vote, citing his membership in the Woodworkers Guild.

Councilor Coss moved for approval. Councilor Wurzburger seconded the motion, which passed on the following Roll Call vote:

**For: Councilor Coss; Councilor Wurzburger; Councilor Heldmeyer;
Councilor Lopez.**

Against: Councilor Ortiz; Councilor Pfeffer.

Recused: Councilor Chavez.

Not present for this action: Councilor Bushee.

**k) Request for Approval of Agreement for Professional Services —
Design Services for Youth and Family Consortium Project
(RFP No. 2003/15/P); Mathey and Associates.**

Responding to questioning from Councilor Pfeffer, Engineering director Robert Romero stated that this is a 4,200 square foot office building, with full site development for 5.41 acres. He said the estimate for construction of the building and infrastructure is approximately \$850,000. He said the building is \$630,000 and the site improvements are about \$250,000. He stated that the design comprises 9% of the construction costs, and Tierra Engineering, subcontractor to the architect, is designing the site improvements, and their fee is included in the \$75,000.

Councilor Pfeffer moved for approval. Councilor Lopez seconded the motion.

Councilor Wurzburger said she had the same questions as Councilor Pfeffer, and asked Mr. Romero to have staff include these breakdowns in the future so Councilors can make informed decisions.

Councilor Chavez noted the following groups involved in this project: Santa Fe Youth and Family Consortium; Catholic Charities; Girls, Inc.; Santa Fe Children's Museum; YMCA; Santa Fe Teen Arts Centers; Warehouse 21 in conjunction with the City and Tierra Contenta; and the Public Schools. He commented that this has been a long time coming, and he hoped there would be a good benefit and a strong impact on Tierra Contenta and the surrounding area.

The motion passed on the following Roll Call vote:

For: Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez; Councilor Coss.

Against: None.

Not present for this action: Councilor Bushee.

I) Request for Approval of Agreement of 2003-04 Community Arts Promotion Program (RFP No. 2002/22/P).

Councilor Wurzburger asked Community Services director Sabrina Pratt to clarify how many of the arts groups recommended for funding are new groups.

Ms. Pratt clarified that, in this particular category, these are continuations of contracts from the current year into the next year, so there are not new groups. She added that there are two other funding categories that may involve new groups (Special and New Projects Program, and the Community Arts Development Program) and those will come forward later in the year.

Councilor Wurzburger moved for approval. Councilor Lopez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez; Councilor Coss; Councilor Heldmeyer.

Against: None.

Not present for this action: Councilor Bushee.

n) **Request for Approval of Professional Services Agreement — Security Guard Services for Parking Lots, Libraries and Municipal Court (RFP No. 2003/22/P); Chavez Security, Inc.**

1) **Request for Approval of Budget Increase (FY 03/04) Parking Enterprise Fund.**

Councilor Wurzburger asked Parking Administrator Bill Hon how many contracts this vendor has with the City, and Mr. Hon responded that this contractor has one other contract with the City for the watershed.

Councilor Wurzburger asked what percentage of the total number of security contracts this firm represents for the City, and Mr. Hon said he did not know.

Councilor Wurzburger asked that City contracts be categorized so Councilors can have a perception of how much of an entire area one or two particular vendors are getting.

Councilor Wurzburger moved for approval. Councilor Lopez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: None.

Not present for this action: Councilor Bushee.

Request for Approval of Amendment No. 1 to Professional Services Agreement — Water Planning Coordinator Services; Amy C. Lewis

Councilor Ortiz said the Public Utilities Committee sent this item forward without a recommendation after a motion for approval failed to pass on a 2-2 vote. He said his concerns were twofold.

Councilor Ortiz pointed out that the first contract with Ms. Lewis went through on a Bureau of Reclamation grant, so the money essentially wasn't the City's and was a pass-through. He said this amendment is for additional work that could have been provided under the original contract, and it would appear that the City is the only governmental entity that is contributing toward the provision of these services by this contractor. He commented that apparently the City is

undertaking the financial burden for the Jemez y Sangre Water Planning Council on this particular contract, which he thought problematic.

Addressing his second concern, Councilor Ortiz said he would be more supportive of the contract were the City paying on a pro rata basis.

Councilor Lopez moved for approval. Councilor Chavez seconded the motion.

Councilor Lopez agreed with Councilor Ortiz' point that the City is the only government entity involved in this situation, "but I think we've almost been a day late and a dollar short on getting to where we need to be to answer the kinds of questions that we're called upon to answer when we lobby in Washington."

Councilor Chavez agreed with Councilor Lopez that the City must take the lead on the Jemez y Sangre water plan, which has already been submitted to the Interstate Stream Commission for incorporation into the statewide water plan. He said the inability for other entities, including Santa Fe County, to invest money at this point should not hold the City back from doing this necessary work.

Councilor Coss noted that LANL and the BOR have invested heavily in this project, which has yielded a lot of good work. He commented that \$28,000 is a small investment for the City, the major player along with the tribes and acequias.

Councilor Heldmeyer remarked, "Just because we need to be a little bit more careful about the housekeeping in the future doesn't mean that we devalue the work that's been done."

Water Resource Project Coordinator Rick Carpenter clarified for Councilor Wurzbarger that the existing contract terminates on June 30, 2003.

Councilor Wurzbarger commented that in no way was she denigrating the work that has already occurred, but she was very uncomfortable with the process.

Councilor Wurzbarger said she would vote in support of the work that has been done with the condition that no further request come back to the Council unless the work is yet to be done; that it reflect the regional nature of this; that future proposals at least indicate other bodies that have been approached; and that there be regional participation in terms of funding.

Councilor Lopez asked the City Manager to assign someone "to pay a little closer attention to contract issues in our Water Company."

The motion passed on the following Roll Call vote:

For: Councilor Pfeffer; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: Councilor Wurzburger; Councilor Ortiz.

Not present for this action: Councilor Bushee.

- s) CONSIDERATION OF RESOLUTION NO. 2003-45:
(Councilor Chavez; Councilor Coss and Councilor Bushee)
A Resolution Amending the City of Santa Fe Parks, Open Space,
Trails and Recreation Master Plan to Include the Executive
Summary and Implementation Plan.**

Councilor Ortiz moved for approval with the following amendments:

Page 14:

- 1) On first bullet point: Develop and/or improve pocket parks.
- 2) Add another bullet: Develop a Richards Avenue Trail from the Santa Fe Community College to GCCC.

Page 15:

- 1) Strike second bullet: ~~Install improvements to above parks given highest priority.~~
- 2) Fifth bullet from bottom: Upgrade irrigation and stormwater capture and infiltration at Monica Lucero Park, Franklin Miles Park, Ragle Park and Herb Martinez Park ~~and develop stormwater infiltration systems.~~

Councilor Chavez asked if the Council could actually amend a plan that has already been approved. He said his intent with this resolution was to only include the executive summary and implementation plan.

Councilor Ortiz said the corrections could be part of this resolution or come back to the master plan. He pointed out that the trail idea was actually put into the plan; and in terms of giving highest priority to developing stormwater systems, he pointed out that Franklin Miles and Ragle Park probably have a higher need than Monica Lucero or Herb Martinez parks.

Councilor Lopez seconded the motion, which passed on the following Roll Call vote:

**For: Councilor Wurzburger; Councilor Chavez; Councilor Coss;
Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer.**

Against: None.

Not present for this action: Councilor Bushee.

**u) Request for Approval of Agreement — Inmate Confinement
Services; County of Santa Fe.**

Councilor Chavez said he supports this long-term agreement notwithstanding its hefty price tag, but noted that there are not many options the City can pursue.

Councilor Chavez noted his concerns, also raised at the Public Works Committee meeting, that inmates released from the facility who are residents of the city or county do not have transportation. He said Chief Lennen indicated that the County is trying to address that, but he wanted to bring this to the attention of other Council members.

Councilor Chavez moved for approval. Councilor Lopez seconded the motion.

Councilor Wurzburger commended Chief Lennen on her persistence in these lengthy negotiations.

Chief Lennen thanked the City Manager and Finance Department for their involvement, since it allowed a look at the issues on a broader scale and not as a standalone contract as in the past.

The motion passed on the following Roll Call vote:

**For: Councilor Chavez; Councilor Coss; Councilor Heldmeyer;
Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger.**

Against: None.

Not present for this action: Councilor Bushee.

- w) **CONSIDERATION OF RESOLUTION NO. 2003-46.**
(Councilor Lopez, Councilor Bushee, Councilor Wurzburger;
Councilor Ortiz and Councilor Coss)
A Resolution to Develop a Strategy for Maintaining and
Promoting Housing in the Downtown Area. (Postponed at
May 14, 2003 City Council Meeting.)

Councilor Coss moved for approval, with the following amendments as approved at the Public Works Committee:

On page 1, line 25, replace the phrase "downtown area" with "area bounded by St. Francis to the west, Cordova Road to the south, Gonzales Road to the east, and Encantado Road to the north."

On page 2, line 3, after the word "area" appears for the first time, insert "in a manner that minimizes and/or eliminates the need for private automobile ownership."

On page 2, line 3, after the word "housing," insert "for a variety of groups and income levels".

On page 2, line 3, after the word "area" appears for the second time, insert "while maintaining its unique historic character".

Page 2, line 5, change "September 15, 2003" to "December 15, 2003".

Councilor Lopez seconded the motion, as amended, which passed on the following Roll Call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez.

Against: None.

Not present during this action: Councilor Bushee.

- x) **Request for Approval to Publish Notice of Public Hearing for June 25, 2003, City Council Meeting:**

BILL NO. 2003-14: An Ordinance Creating a New Section 14-5.2(k) SFCC 1987 Requesting Review of an Historic Compound Plan by the Historic Design Review Board. (Councilor Heldmeyer, Councilor Wurzburger and Councilor Chavez.)

[Councilor Bushee joined the proceedings shortly before the vote was taken.]

Councilor Pfeffer said he did not feel this bill was ready for publication and public hearing. He commented that there is no question that historic preservation of the city's numerous compounds is an important goal, but there are a number of serious problems that have not been addressed. Citing examples, he commented that the definitions and application of definitions are quite vague and consequently raise legal issues; how a compound is designated as historic also raises some issues; and there is talk of having a survey done, but he understood there is no allocation for that.

Councilor Pfeffer added that there is also talk of having a survey done of properties that qualify as historic, but leaving that open-ended. He commented that this could mean a building permit could trigger a historic designation; and if that is the City's usual practice, he thought that should be addressed as a flaw.

Councilor Pfeffer also questioned the possible requirement of a master plan for a potential historic compound without any criteria for submittal, time frame, duration of the applicability of the plan, judgment standards and other criteria.

Councilor Wurzburger stated that she and Councilor Heldmeyer feel confident that three of these issues can be resolved by working with the City Attorney and City Manager and that additional public input at the public hearing will also be productive before the Council approves the bill. She said they believe that the lack of clarity in definition between a historic compound and a compound can readily be clarified and that the concerns about the need for a clearer due process can also be clarified. She also pointed out that the City Manager has assured them that there is a way to start the survey process in this budget year to determine which properties would be designated as historic compounds.

Councilor Wurzburger moved for approval to publish notice of public hearing. Councilor Heldmeyer seconded the motion, which passed on the following Roll Call vote:

For: Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Wurzburger; Councilor Chavez; Councilor Coss.

Against: Councilor Pfeffer.

Abstaining: Councilor Bushee.

**y) CONSIDERATION OF RESOLUTION NO. 2003-44:
Fiscal Year 2003-04 General Appropriations Resolution.**

- 3) CONSIDERATION OF RESOLUTION NO. 2003-47:
(Councilor Coss)
A Resolution to Provide Lodgers Tax Funding to the Santa
Fe Trails Fixed Route Transit System in Proportion to the
Percentage Ridership of the System Estimated to be
Visitors to our City and Directing that Santa Fe Trails
Develop and Implement a Passenger Amenity Program
That Assures Compliance With the Americans With
Disabilities Act.**
-

Councilor Pfeffer stated that he has met with the City Manager and Councilor Coss on a couple of amendments that would “address a concern I have in relation to what I hope would be a generation of community business support for the fixed route system.”

Councilor Pfeffer moved for approval with the following amendments:

On page 2, line 24, add: “Section 3. The Santa Fe Trails System is further directed to present, by April 1, 2004, a detailed survey of fixed route ridership origins to estimate better the current annual Santa Fe Trails ridership by visitors.”

On page 2, line 25, after “... from other sources.” add: “Any savings realized by the work of a Santa Fe Ride operations manager shall accrue to Santa Fe Trails for the purpose elaborated under this resolution.”

**Councilor Coss seconded the motion, which passed on the following Roll
Call vote:**

**For: Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor
Wurzbarger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor
Heldmeyer.**

Against: None.

[End of Consent Calendar discussion.]

Request for Approval of Joint Powers Agreement With the State of New Mexico Energy, Minerals and Natural Resources Department.

City senior planner Terrie Rodriguez summarized her report to the Council, which stated that the Community Services Department worked with the Planning Division and Tierra Contenta in January 2001 to respond to the State Parks Division trails grant. Her report stated that, because the RFP indicated that grant applications would not be accepted again until 2004, four applications were submitted; the Rail Trail Extension request of \$238,363 was approved for 2002, and the other three were held to receive recaptured funds and other Trail funds as they became available.

Ms. Rodriguez noted that the Tierra Contenta Trail application has received this contract and will receive \$94,130, and Tierra Contenta will provide the match of \$30,340. She said the contract will require the construction of one mile of trail and that public ingress and egress to the easement be maintained.

Councilor Lopez moved for approval. Councilor Chavez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: None.

**CONSIDERATION OF RESOLUTION NO. 2003-48. (Mayor Delgado)
A Resolution Naming the City of Santa Fe Teen Center Located
at 737 Agua Fria Street The Carlos “Carlitos” Ortega Teen Center in
Memory and Honor of the Late Carlos Ortega.**

City Planner Rick Anaya stated that Carlos was “a great kid that grew up at the Center. There was just something about him. He always kind of stood out as just the most likable person you’d ever meet. One of his desires was to work for the Center, except he wasn’t old enough at the time. So when he turned 16, we granted his wish and got him hired for the summer program. He was always volunteering his time. He was the kind of guy you could always count on. He was almost like family.” He said Carlos tragically died about a year ago, which came as a big shock to everyone, and the teens at the Center have asked that the Center be named after him.

Councilor Lopez moved for approval. Councilor Bushee seconded the motion.

Carlos' family members came forward and individually thanked the Council for this resolution. Joan Trujillo, mother of Carlos, said, "I'm so happy that he got a chance in his brief life to make such a big impact on all of you, and that he continues to do so.... I want you to continue loving each other and reaching out to each other and keeping that spirit alive amongst each other."

The resolution passed on the following Roll Call vote:

For: Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz.

Against: None.

**CONSIDERATION OF RESOLUTION NO. 2003-49. (Mayor Delgado)
A Resolution to Oppose the Ney Resolution and Instead Support
Laws and Regulations That Ensure Fair Lending Practices.**

Councilor Lopez moved for approval. Councilor Chavez seconded the motion.

Councilor Chavez stated that there are predatory lending practices in this community that are counterproductive to entrepreneurs and self employed people.

Responding to questioning from Councilor Chavez, City planner Craig Fiels indicated that this resolution would be sent on to the Congressional delegation.

The resolution passed on the following Roll Call vote:

For: Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer.

Against: None.

**CONSIDERATION OF RESOLUTION NO. 2003-50. (Councilor Ortiz, Councilor Wurzburger; Councilor Pfeffer and Councilor Lopez.)
A Joint Resolution Directing City Staff and School Staff to Draft
an All-encompassing Joint Powers Agreement for Execution
Prior to the Next School Year.**

Councilor Ortiz moved for approval. Councilor Lopez seconded the motion.

Councilor Heldmeyer thanked Councilor Ortiz for his leadership and said she hoped this JPA would include what qualifies as joint use of recreational facilities, since this has been a sticking point in the City's relationships with the schools.

The motion passed on the following Roll Call vote:

For: Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger.

Against: None.

MATTERS FROM THE CITY MANAGER

None.

MATTERS FROM THE CITY ATTORNEY

None.

MATTERS FROM THE CITY CLERK

City Clerk Yolanda Vigil said she has contacted all of the City Councilors regarding the joint meeting with the Executive Leadership Council, School Board and the County Commission. She said a meeting has tentatively been scheduled for July 17 from 5:00 to 7:30. She said some Councilors have not yet informed her whether or not they can attend.

Ms. Vigil also asked Councilors to submit nominees for the St. Vincent Board.

RECESS: 5:40 p.m.

EVENING SESSION

The Evening Session of the City Council Meeting was called to order at approximately 7:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzburger

Members Excused:

None.

PETITIONS FROM THE FLOOR

None.

APPOINTMENTS

Santa Fe Civic Housing Authority

Mayor Delgado recommended the appointment of Michael M. Gonzales, term expiring 3/2008.

Councilor Ortiz so moved. Councilor Lopez seconded the motion, which passed 7-0 by voice vote, with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzburger voting for, and none against. [Not present for this action: Councilor Bushee.]

Traffic Calming Program Evaluation Task Force

Mayor Delgado recommended the appointments of Michael Gold and Ken Hughes, District 1; Hubert Van Hecke, chair, and Claiborne Booker, District 2; Pablo Sanchez and Irene Sanchez, District 3; and Edmundo Lucero and Don Ellis, District #4.

Councilor Lopez so moved. Councilor Heldmeyer seconded the motion, which passed 7-0 by voice vote, with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzbürger voting for, and none against. [Not present for this action: Councilor Bushee.]

Planning Commission

Mayor Delgado recommended the reappointments of Eugene Lovato, Robert J. Werner and Ed Grabowski, and the appointments of Eric J. Lujan and Betty Ann Starr, terms ending 6/2005.

Councilor Ortiz so moved. Councilor Lopez seconded the motion, which passed 7-0 by voice vote, with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzbürger voting for, and none against. [Not present for this action: Councilor Bushee.]

PROCEDURAL MOTION:

AMENDMENT TO AGENDA

On a procedural matter, Councilor Lopez moved to amend the Agenda in order to postpone Item G6 to the second meeting in August to allow further study and to allow time for a hearing at the Finance Committee [Establishing a Fee in Lieu of Parking Program.]

Councilor Ortiz seconded the motion, which passed 7-0 by voice vote, with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzbürger voting for, and none against. [Not present for this action: Councilor Bushee.]

Request from Santa Fe Gourmet Group, Inc. for a Restaurant (Beer & Wine) License to be Located at Pastability, 418 Cerrillos Road #6.

City Clerk Yolanda Vigil called the Council's attention to staff's recommendation that Pastability be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

There was no public comment.

Councilor Ortiz moved for approval. Councilor Pfeffer seconded the motion, which passed on the following Roll Call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez.

Against: None.

Not present during this action: Councilor Bushee.

Request from Firestone Liquor Company, LLC, for a Transfer of Location Only of Dispenser License #2675 from Firestone Place, 100 North Guadalupe Street, to the Guadalupe Station Restaurant & Bar, 530 South Guadalupe Street, Suite C.

City Clerk Yolanda Vigil called the Council's attention to staff's recommendation that Guadalupe Station Restaurant & Bar be required to comply with the City's litter and noise ordinances as a condition of doing business with the City. She further noted the Traffic Engineer's recommendation that curb-parking blocks be placed along the parking area next to sidewalk along the 530 frontage.

There was no one wishing to speak for or against this request.

Councilor Wurzburger moved for approval with staff's recommendations. Councilor Coss seconded the motion.

Councilor Heldmeyer recalled voting on this license a few meetings ago, and asked for clarification.

Agent Linda Aikin, who was duly sworn, explained that the Council approved a transfer of ownership at the end of February, because the building where the license used to be located changed, and now they will not be using it there. She stated that they would lease that space to an entity owned by Sylvia Johnson, who operates Celebrations on Canyon Road.

**For: Councilor Heldmeyer; Councilor Lopez; Councilor Pfeffer;
Councilor Wurzbarger; Councilor Chavez.**

Against: None.

**Not present during this action: Councilor Bushee; Councilor Coss;
Councilor Ortiz.**

**Request from Premier Distributing Company for a Wholesaler
License to be Located at Premier Distributing Company Santa Fe,
2680 Sawmill Road.**

City Clerk Yolanda Vigil called the Council's attention to staff's recommendation that Premier Distributing Company be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

There was no public comment.

Councilor Chavez moved for approval. Councilor Pfeffer seconded the motion, which passed on the following Roll Call vote:

**For: Councilor Lopez; Councilor Pfeffer; Councilor Wurzbarger;
Councilor Chavez; Councilor Coss; Councilor Heldmeyer.**

Against: None.

Not present during this action: Councilor Bushee; Councilor Ortiz.

**CONSIDERATION OF RESOLUTION NO. 2003-51. (Mayor Delgado)
A Resolution Proclaiming Severe or Extreme Drought Conditions
in the City of Santa Fe and Restricting the Sale or Use of Fireworks
Within the City of Santa Fe.**

Fire Chief Dave Sperling stated that this action will have to be repeated at the last Council meeting in June in order to cover the Fourth of July.

Fire Marshal Ted Bolleter distributed an information packet on drought conditions this year, which Chief Sperling said reflected severe conditions at the current time. *[Submitted with these minutes as Exhibit "A."]*

The floor was opened to public comment.

Karen King came forward and stated that she was neither for nor against this resolution, but wanted to point out that she and her partner have a fireworks display company in Santa Fe County and do not sell fireworks.

Ms. King said she would remind the Governing Body that fireworks are “an art form, an expression of joy, beauty and happiness used the world over...Our freedom in this country has been closely associated with the shooting of fireworks. Fireworks can start fires and can be dangerous, but the fireworks industry as a whole has guidelines to make use of them as safe as possible.”

Concluding, Ms. King stated that Santa Fe Community College will be offering a fireworks safety class for kids on June 21.

Chief Sperling noted that a commercial Fourth of July fireworks demonstration will be offered at the high school, as is done every year.

Councilor Lopez stated that she received a call today from a friend who works in the ER at the hospital, and was reminded of what a dismal experience it is to work in the ER around July Fourth and treat young people injured from improper fireworks use.

Councilor Lopez moved for approval. Councilor Heldmeyer seconded the motion.

Councilor Pfeffer spoke to his concerns about the sale of fireworks on Indian property around Santa Fe; as an architect, he found these facilities “outrageously dangerous.” He asked what the City might do to address this danger.

Fire Marshal Bolleter suggested writing to the Congressional delegation, BIA, and Department of Interior.

Councilor Pfeffer asked City Manager Jim Romero to follow through on this suggestion.

Councilor Lopez noted that the resolutions committee for the Municipal League will be meeting on June 21, and asked Chief Sperling and Fire Marshal Bolleter to prepare a resolution urging the Municipal League to continue to push for changes in legislation.

Fire Marshal Bolleter clarified that there is already a resolution for that, so perhaps the Council might want to vote to renew it. He stated that the Fire Marshal’s Association is working on its own resolution, but would welcome as many resolutions in support of local autonomy as possible.

The motion passed on the following Roll Call vote:

**For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger;
Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.**

Against: None.

Not present during this action: Councilor Bushee.

**CONSIDERATION OF BILL NO. 2003-11: ADOPTION OF ORDINANCE
NO. 2003-12. (Councilor Chavez, Councilor Lopez, Councilor
Wurzburger and Councilor Ortiz)
An Ordinance Amending Sections 25-2.7, 25-5.7 and Exhibits C
and D to Section 25-5.7 SFCC 1987 Regarding Irrigation Restrictions
for Public Parks, Public School Athletic Fields and Roadside
Landscapes.**

Parks Division director Richard Fiedler said, "After a long and hard series of presentations, I think we have a plan here that will save the City water, maintain the quality of life for the people of Santa Fe, allow us to renovate what we've lost over the past couple of years in the drought, and just improve the long range perspective of what parks we'll be able to do and how we'll be able to maintain them from here on out. It outlines a plan using an evapo-transpiration (ET) rate based irrigation system. The chart figures [in the packet] are the maximum allowable for those months; with our weather stations set up now, the irrigation amount will be adjusted daily. This will save the City water. With the proposed 10% overall reduction in turf, it's about 38 acres. This will also reduce the amount of water that the City uses, and I don't believe any of our proposals would have a significant impact on the quality of life to the people. Presently we only use about 5% of the City's total daily usage, and we hope to bring that down to under 4% of the City's water use to be used by the Parks Division."

The floor was opened to public comment.

Nate Downey, 1005 Camino Oribi, came forward. He stated that he has not read the bill, so was speaking without very much information.

Mr. Downey agreed that keeping the parks green is good for the community in many ways, but said Cathedral Park was very troubling to him because it is all grass and he thought the design "very uncreative."

Mr. Downey commented that people no longer believe the City is in a state of emergency when it is allowed to break its own rules, and that could be further compromised with this bill.

Molly Mehaffy, 852 Don Cubero, came forward to speak against this bill. She questioned whether the City was prepared to undertake this proposed plan, since to undertake it would mean that “we have all of our supply in order, that our ET system really works, that we have a parks system that really monitors on a regular basis how much water it’s using, that the park system is willing to be in compliance.” She pointed out that two citations were issued by the Water Division today against Parks for wasting water. She said one was for a 20-foot spray of water into the street, and the other was a middle-of-the-day watering.

Ms. Mehaffy continued, “The great thing is that the value of landscaping is being considered seriously for the first time publicly in the three years that we’ve all been working on how are we going to get through this drought and these shortages, and value our landscaping. Finally we’re all on the same page about that, but we’ve chosen the single-largest water user and the single-largest water consumptive plant and given them carte blanche. Meanwhile we’ve watched the trees in the parks die over the winter needlessly. If this was a Parks Department that was committed to making things grow besides grass, you would have trees that are alive. There’s no reason with once a week watering that you can’t have trees that are alive. It’s very, very discouraging. As an industry, we are the canaries of the water situation. The Water Division issues extremely intelligent literature to all the nurseries to pass out to customers saying, use plants that make sense, this isn’t Phoenix, we don’t have the Salt River. All the sensible things that have been droned into us for three years are being thrown out tonight with this legislation — that says we can put as much sod as we like, we don’t have to be innovative.”

Ms. Mehaffy read the Parks Department’s mission statement as shown on its Web site: “Enhancing the culture and living environment for the community by providing facilities, programs and services that are innovative and sustainable.” She commented, “If only ‘innovative and sustainable’ were what we were doing tonight... We aren’t doing anything innovative and sustainable — least of all sustainable.”

Mark Hogan, chairman of the Parks Advisory Committee, spoke in favor of this bill. He said, “I would submit that this is very intelligent legislation in that it makes a big step forward in terms of utilizing our resources, our technology and our intelligence and our ability to manage these resources. What’s really being proposed is not a carte blanche green light to just dump water on the parks; it’s an effort to preserve a fundamental resource of our community for our kids. It’s important for their growth and development as well as a sizable capital investment to the taxpayers. I think these parks need to be preserved, especially in a day when we are not encouraging lawns at homes where kids can play soccer, baseball, whatever, in their yards. We need to provide an outlet for that.”

This concluded public comment.

Councilor Chavez moved for approval. Councilor Ortiz seconded the motion.

Councilor Chavez stated that, by exercising best management practices and employing other irrigation methods, he was hoping Parks would be able to reduce the amount of turf now being watered along with other vegetation, and using a combination of things such as artificial turf and reduction of plant material in certain areas.

Councilor Heldmeyer pointed out that this ordinance change is part of a package, some of which has already been adopted, which includes a five year plan for reducing turf and utilizing the existing fields — especially the MRC fields, which are watered with effluent — to a greater extent than they are now. She said she personally would like to see a more aggressive approach to turf reduction and xeriscaping.

Councilor Heldmeyer stated that the City's playing fields are currently underutilized, and people need to think about the recreational aspects of the City's parks and how they want them used. She said certainly some areas can be converted to xeriscape because they are not for recreational purposes, e.g., the lawns around City Hall.

Councilor Heldmeyer proposed the following amendments:

1. On page 3, line 16, before the word "Irrigation" insert the word "Maximum"
2. On page 3, line 19, before the word "Woody" insert a new sentence: "However, the city will use the information received from its weather stations to determine optimal watering levels which may be less than those listed in the chart above."

The amendments were accepted as friendly.

Councilor Wurzbarger recalled that, when this plan was first reviewed, there was a more explicit definition of where the City would not re-sod and where it would change over the plants so they would be more efficient. She said she agreed that the City shouldn't bring back all of its parks with sod, but added that this was not clear in the bill.

Mr. Fiedler clarified that the areas restored with sod would be the City's playing and practice fields, known to staff as "the big ten." He added that, even at those parks, there will be reductions of turf where turf is no longer desirable or necessary, i.e., the perimeter areas and sections not used for practice. He said the perimeters will be xeriscaped with mulch and bark, with picnic tables, etc.

Councilor Wurzbarger asked how the Plaza will be addressed, and Mr. Fiedler responded that the Plaza is listed for renovation and turf reduction, but staff is awaiting clearer direction from the Council.

City Manager Jim Romero stated that he and Parks & Recreation director Ron Shirley met staff from the State Historic Preservation Office to see what would be allowable on the Plaza. He said there was some discussion about the idea of experimenting with sod on a small section.

Mayor Delgado said he thought it time to come forward with a Plaza design to take through the committee process, particularly because a new gazebo will be installed there in a few months. He said there are new design concepts that should be considered, including using rubber mats that look like flagstone.

Councilor Wurzbarger said the Plaza should be used as an example of what kind of planting environment the City should have, and suggested that the Water Conservation Committee develop a plan that “honors the environment that we live in.” She said this can mean patterning with bricks, xeriscaping, “whatever.”

Mayor Delgado agreed. He said he saw no reason for the City to spend “a whole bunch of money hiring somebody to do a design for us” given that there are many competent staff people in Parks & Recreation who can do that.

Mr. Fiedler agreed that this job could be nicely done in house.

Addressing concerns expressed by speakers tonight, Mr. Fiedler said the City is already using an ET-based system; however, it cannot be used to its full potential under the three-day-per-week watering rule.

Mr. Fiedler also stated one of the two citations mentioned by Ms. Mehaffy was the result of a broken head at Miles Park, where the system located a stuck valve and automatically shut the system down, and when staff came in this morning, they turned the system back on to find out what was wrong — and that was when water ran down the street.

Addressing the other citation, Mr. Fiedler said crews had just mowed Cathedral Park and tested the system to see if any heads were broken, which means each head had to be tested, and there are 30+ heads.

Councilor Bushee said she thought it inappropriate for the City to consider this ET approach until individual property owners have the ability to do their own self-regulating and monitoring, so everyone is playing by the same rules.

Councilor Bushee moved an amendment that the Stage 2 times and dates of irrigation be changed to two days per week instead of three. [Page 6, section 1.b).

The amendment died for lack of a second.

Councilor Bushee moved an amendment that the prohibition of the use of ornamental fountains be removed from Outdoor Use Restrictions in Stage 3. [Page 14, line 20.]

The amendment died for lack of a second.

Councilor Bushee noted that Section 3.b on page 11 states that all commercial entities shall have installed, within two weeks of the effective date of the Stage 2 declaration, showerheads with a flow rate not to exceed 2.5 gallons per minute, and aerators for lavatory and kitchen faucets that will not exceed a flow rate of 2.5 gallons per minute. She asked Water Division staff member Dan Ransom if this section is currently enforced.

Mr. Ransom responded that the City is currently checking that in terms of enforcement of the 1.6-gallon toilet. He said the City looks at toilets, showerheads, aerators, and whether signs are posted in bathrooms.

Councilor Bushee asked how much compliance there is with that section, and Mr. Ransom responded that he did not know, but added that inspections are being done every week.

Councilor Bushee moved an amendment to Section 25-5.7 (Water Emergency Management Stages), stating that the Governing Body may declare Stages 1, 2, 3 and 4, and striking the language saying that the City Manager or designee may declare Stages 1 and 2.

The amendment died for lack of a second.

Councilor Bushee commented, "It looks like we're not really opening up the discussion of how our community conserves or uses water. Essentially we're just creating a new set of rules for the City to operate by, and in all honesty, saving trees is certainly a worthwhile aim, but until we do something overall with matching our growth with a sustainable water supply, and continue on with a different message from the City, I have a very hard time suggesting that we do anything differently from what we're doing right now."

Councilor Coss asked staff to add the results of this new watering schedule to the PUC weekly water report.

Councilor Coss offered the assistance of the Water Conservation Committee in designing the Plaza landscaping, but stressed the importance of working with SHPO.

Councilor Wurzbarger asked staff to provide updates on the extent of changeover from sod. She observed that only 10% was proposed in staff's report, which could be a miscalculation. She told Mr. Fiedler, "I think you're hearing from Council the clear intention that, on a continuum, we move much more closely toward xeriscape and away from sod usage."

Councilor Pfeffer, addressing comments that the City does not follow its own rules, pointed out, "The City is not the enemy in this issue. It's not private landscape versus City landscape. The City is the conservator of the public space and the public landscape, and ... I think the parks belong to everybody." He said he thought the City was doing the most reasonable job it could in terms of protecting the parks, and he thought this a good direction to be moving in.

In terms of the Plaza, Cathedral Park and the downtown in general, Councilor Pfeffer said, "In my opinion, I think we have to look at that as priority space, not just because our tourist dollars come from there, but because that's the center and heart of our community, and it's for everybody. There ought to be shade, there ought be some comment made here about trees, and it's true, we can do a better job. Trees don't have to be dying with once a week watering, and I would like to ask the City Manager to pursue that."

The motion passed on the following Roll Call vote:

**For: Councilor Pfeffer; Councilor Wurzbarger; Councilor Chavez;
Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz.**

Against: Councilor Bushee.

CONSIDERATION OF BILL NO. 2003-13: ADOPTION OF ORDINANCE NO. 2003-13.

Case No. ZA 2003-04. Brunn School Road Subdivision. Justin Young, Brunn LLC, Requests to Change the Zoning of Approximately 5.330 Acres of Land From R-1 (Single Family Residential, One Dwelling Unit Per Acre) to R-3 (Single Family Residential, Three Dwellings Per Acre). The Property is Located South of St. Michael's Drive at the Southern Terminus of Brunn School Road. The 1999 General Plan Designated the Property as Low Density Residential (3 to 7 Dwelling Units Per Acre).

City Planner Ron Quarles reported as follows: "At the April 3 hearing, the Planning Commission considered this application and voted unanimously to recommend approval of the rezoning to R-3. If the rezoning is approved by the City Council tonight, the applicant intends to submit a preliminary plat to the Planning Commission for 13 single-family residential lots at a density of 2.4 units per acre. The subdivision is proposed as a Type B development, with all homes sold at market rates affordable to households with incomes under 120% of the area median income. The development is not subject to the mandatory requirement for the construction of onsite HOP units, but is subject to verification that the homes are sold at the price range through the HOP program.

"The applicant has submitted a proposed preliminary plat for purposes of demonstrating development feasibility. Under the R-3 district standards, there is no requirement for a development plan or conditions with the R-3 district, as is the case for a PUD or for an R-7 zoning request. The preliminary plat has been submitted to you again only for purposes of showing you how the property is proposed to develop under the requested R-3 zoning.

"An Early Neighborhood Notification meeting was held on May 30, 2002. As a result of the meeting, the applicant agreed to reduce the number of lots in the future subdivision from 14 to 13. No persons in favor of or in opposition to the application appeared before the Planning Commission at the April 3 hearing.

"Staff recommends that the City Council approve this application for rezoning as recommended unanimously by the Planning Commission at its April 3 hearing."

There was no one wishing to speak for or against this proposal from the floor.

Councilor Lopez moved for approval. Councilor Chavez seconded the motion.

Responding to questioning from Councilor Heldmeyer, Mr. Quarles clarified that neither staff nor the Planning Commission had recommended conditions of approval; however, staff's report did identify some of the requirements that would be in place at the time of subdivision, which would include the improvement of Brunn School Road.

Councilor Heldmeyer expressed concern that these conditions could be inadvertently omitted at the time of preliminary development plan review.

Councilor Lopez amended her motion to include the four conditions of approval recommended by Transportation staff:

1. Brunn School Road is unimproved from approximately 400 west [sic] of Botolph Road. We will require the developer to build Brunn School Road to subcollector status along their property as well as the 500± feet from the existing end of pavement to their property. We recommend that their arterial road impact fees be credited to them for the offsite improvement to Brunn School Road from the existing end of pavement to their property line.
2. The required street section per City Code is a subcollector. We would require the curb and gutter and paving section plus sidewalk on the proposed development side adjacent with their property. Sidewalk would be built on the other side when future development occurs. Sidewalk on the offsite portion would not be required at this time but could be added by future proposed development.
3. We will require engineering plans for the Brunn School improvements.
4. The proposed lane and cul de sac as shown in the preliminary plans shall be constructed to City standards.

We recommend that the above items be addressed prior to approval of preliminary development plans.

The amendment was accepted as friendly after the applicant, Justin Young, indicated that this was acceptable.

Responding to questioning from Councilor Heldmeyer, applicant Justin Young, who was sworn, stated that one of the neighbors at the ENN meeting pointed out that, by reducing the number of lots from 14 to 13, the street frontage would be the same as on the other side of the street and would look better. He said everybody at the meeting was amenable to that idea.

Councilor Heldmeyer moved an amendment to specify that there will be 13 lots in this subdivision.

The amendment was accepted as friendly after Mr. Young indicated that this was acceptable.

Councilor Heldmeyer stated that speeding is a problem on Brunn School Road, and asked that Traffic Calming Coordinator Carrie LaCrosse contact the attendees at the ENN meeting and discuss the availability of the traffic calming program.

Transportation Engineering director John Nitzel noted that Chapter 14 stipulates that traffic calming procedures will be addressed on all new streets.

The motion passed on the following Roll Call vote:

For: Councilor Pfeffer; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz.

Against: None.

Not present during this action: Councilor Wurzbarger.

COMMUNICATIONS FROM THE GOVERNING BODY

Mayor Delgado

Mayor Delgado asked Councilors with nominees for the St. Vincent Hospital board to bring them forward by the end of this week.

Mayor Delgado announced that the City's Network Operations Center will be dedicated tomorrow at the Siringo Road complex in Building G at 10:30.

Mayor Delgado asked Mr. Romero to have John Nitzel look at the crosswalks and striping at the Peralta/Washington intersection, since it is faded.

Mayor Delgado congratulated Councilors and staff on their hard work on the budget.

Councilor Heldmeyer

Councilor Heldmeyer stated that hydrant flushing is becoming a problem, and asked the City Manager to look into it.

Councilor Heldmeyer said she has talked in the last couple of days with several contractors who are trying to work with the retrofit program. She said the one thing they all agree on is that people don't know about registering with the

retrofit office, and it is slim pickings when someone goes there. She said one person today told her that they were specifically told by that office that they needed to go out and knock on doors of houses to get potential retrofits. Councilor Heldmeyer said the City should advertise and tell people that Water Wise may be over, but there is another program people can take advantage of, and then explaining how they do that.

Councilor Heldmeyer commented that this year's budget meetings were difficult and long, and unless the economy turns around before next year, things are going to get tougher. She said the City Manager will be giving quarterly reports to the Finance Committee on what the City is doing now to make the budget balance in the next fiscal year. She commented that this is a process that should take place all through the year rather than waiting until spring to deal with the following year's budget.

Councilor Lopez

Councilor Lopez said the City is continuing to pursue the longstanding problem with Taxation & Revenue in terms of the erratic gross receipts tax numbers it reports to the City. She said often the numbers don't reflect what the City is seeing in the community at various times of the year. She commented that straightening this out will help the City with its fiscal planning.

Councilor Lopez commended staff on an outstanding job throughout the budget process.

Councilor Ortiz

Councilor Ortiz distributed copies of Albuquerque's nuisance ordinance, and asked the City Attorney's Office to meld that into the City's nuisance laws, particularly in terms of abandoned properties and abandoned properties, and the repossession or foreclosure of junked vehicles on streets.

Councilor Ortiz congratulated the graduates in the City's high schools.

Councilor Bushee

Councilor Bushee said she would give Mr. Romero an address on "a nuisance sort of trash in my district."

Councilor Bushee said a meeting on the catchment and harvesting of water will be held on Tuesday, June 3 at 3:30 p.m. in the City Manager's Conference Room. She said another meeting will be held on June 4 regarding the noise ordinance.

Councilor Chavez

Councilor Chavez distributed an ordinance that will create a new section regarding the review of all fees and charges assessed by the City prior to recommendation of the annual budget. He asked that the ordinance be sent to the Finance Committee and Public Works Committee.

Councilor Chavez announced that storm drain improvements are scheduled to begin in early June on Maes Road and conclude at the end of the year. He said the estimated cost is \$1.3 million.

Councilor Pfeffer

Councilor Pfeffer announced that, largely through the efforts of the City Manager and GCCC staff, there will be increased hours for public skating in "prime time."

Councilor Pfeffer also thanked the City Manager and Police Chief for following up so quickly on the resolution for safety in public spaces.

ADJOURN

Its business completed, the Governing Body adjourned the meeting at approximately 9:00 p.m.

Approved by:

Mayor Larry A. Delgado

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully Submitted:

Judith S. Beatty, City Council Reporter

